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Report of the Secretary-General on children and armed conflict in the Sudan

Summary

The present report has been prepared pursuant to the provisions of Security Council resolution 1612 (2005), and is presented to the Council as the second country report on the situation of children and armed conflict in the Sudan. It covers the period from 16 July 2006 to 30 June 2007 and follows my first report (S/2006/662) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2007/5, annex).

The report stresses that the level of grave violations against children in the Sudan remains high, including their recruitment and use by armed forces and groups and rape and sexual violence, especially in Darfur. With over 30 armed groups operating in Sudanese territory, and with the regular shifts in alliances and splintering of those groups, it is a considerable challenge to present a definitive account of parties and violations. The task has been compounded by continued access restrictions and a prevalence of attacks against humanitarian personnel and assets. However, better and more systematic monitoring and reporting is beginning to yield more reliable and timely information on violations and perpetrators.

The report highlights the ongoing dialogue with parties to the conflict in relation to the preparation of action plans to address violations and outlines the programmatic responses that are being undertaken by the United Nations and non-governmental organization partners. The report acknowledges significant initiatives undertaken by the national authorities, including legislative reform for the protection of children. However, much more needs to be done by the national authorities to ensure the practical implementation of commitments.

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I. Introduction

1. The present report has been prepared in accordance with Security Council resolution 1612 (2005), covering the period from 16 July 2006 to 30 June 2007, and follows my first report on the situation of children in the Sudan (S/2006/662) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2007/5, annex). The report identifies parties to the conflict who recruit and use children and who commit other violations of children's rights in all theatres of armed conflict throughout the Sudan. The report also outlines the ongoing dialogue with parties to the conflict in relation to action plans to address violations and highlights programmatic responses for the protection of children.

II. Political and military developments in the Sudan

A. Political developments

2. During the reporting period, Southern Sudan and the three areas (Abyei, Blue Nile State and Southern Kordofan/Nuba Mountains) continued to witness some progress in the implementation of the Comprehensive Peace Agreement of January 2005. Significant progress was made by the Sudan People's Liberation Army (SPLA) in releasing children recruited or used during the conflict, but there is still a need for engagement with other armed groups affiliated with the Sudanese Armed Forces (SAF) and for monitoring the SAF and Popular Defence Forces (PDF) to ensure compliance with the Comprehensive Peace Agreement and other international obligations.

3. In Darfur, the establishment of a peacekeeping operation has been the subject of ongoing discussions following the adoption of Security Council resolution 1706 (2006), which called for the replacement of African Union peacekeepers in Darfur with United Nations forces. The political dialogue made little progress until June 2007 when the Government of the Sudan accepted the joint African Union-United Nations proposals on a hybrid operation in Darfur. Resolution 1769 (2007) establishes the hybrid peacekeeping mission and, inter alia, requests that the protection of children be addressed in the implementation of the Darfur Peace Agreement, asks for continued monitoring and reporting of grave violations against children, and requests a dialogue with parties to the conflict in relation to action plans to protect children.

4. Meanwhile, there has been no significant progress in the implementation of the Darfur Peace Agreement of May 2006 beyond the establishment of the Transitional Darfur Regional Authority. Limited efforts have been made through that institution to specifically engage parties to address the issues related to children and implement the relevant articles. Efforts to open up the political space to Darfur Peace Agreement non-signatories were overshadowed by intensified military operations, numerous violations of the ceasefire arrangements, frictions within armed groups and the fragmentation of those groups. However, towards the end of the reporting period there were positive signs of attempted engagement between signatories and non-signatories in order to reopen the discussions. Given the multiplicity of armed actors in Darfur, clearly identifying perpetrators of violations of children's rights is

a major challenge. Darfur was also the topic of the special session of the Human Rights Council, after which an action plan was developed to address the human rights situation in Darfur. The plan includes provisions related to children and armed conflict.

5. The Eastern Sudan Peace Agreement was signed on 14 October 2006 in Asmara between the Eastern Front armed group and the Government of National Unity, after 12 years of armed conflict. The peace agreement has a few provisions for children but is mostly focused on the coverage of essential security arrangements and power-relationship provisions. Nevertheless, it does contain references to education, health, release of children, return and reintegration, and those references have been successfully used as entry points for a dialogue on children by humanitarian actors on the ground. Progress in implementation of the Agreement has been slow, and access for humanitarian actors in the East has also been difficult. Nonetheless, Government authorities and leaders of the different ethnic groups have emphasized the importance of the Agreement as an entry point for enhanced programming in Eastern Sudan, especially for children. The three eastern States, Gedaref, Kassala and Red Sea, are among the most underdeveloped regions in the North. The East has received inadequate attention, as international humanitarian and development funding for the area has been extremely limited and interventions have been mostly confined to small-scale, short-term emergency projects.

6. The Lord's Resistance Army (LRA) from Northern Uganda has been active in Southern Sudan since 1994. The Government of Southern Sudan invited LRA and the Government of Uganda to peace talks that began on 14 July 2006, and a cessation of hostilities agreement was signed on 26 August 2006. While LRA soldiers began assembling at agreed areas in mid-September 2006, the agreement has not yet been implemented. An addendum to the agreement signed on 1 November 2006 extended the deadline for LRA forces to gather in the designated assembly areas. Towards the end of 2006, however, LRA refused to accept the continued mediation of peace talks by the Government of Southern Sudan. On 14 April 2007, LRA renewed its cessation of hostilities agreement with the Government of Uganda, and peace talks restarted in Juba, the Sudan, on 26 April 2007 with the participation of the Special Envoy, President Joaquim Alberto Chissano of Mozambique.

B. Military developments

7. Two and a half years after the signing of the Comprehensive Peace Agreement, the implementation of the Agreement's security provisions remains behind schedule. The delay in the redeployment of troops is a matter of serious concern and has led to tensions between parties in some areas of Southern Sudan. The Sudan Peoples' Liberation Army has yet to redeploy its forces from Southern Kordofan and Blue Nile. Furthermore, the Sudanese Armed Forces still have significant forces in Southern Sudan, particularly in Malakal (Upper Nile State) and in the oil-rich Bentiu area (Unity State) even though, according to the Agreement, the deadline for their withdrawal was 9 July 2007. In April 2007, the Pibor Defence Forces formally aligned themselves with the SPLA and moved to Juba. However, the formation of the Joint Integrated Units (JIUs) incorporating the allied armed groups has been slow. The participation of JIU officers in the fighting between SAF and SPLA in November 2006 in Malakal was a clear indication that the parties to the

Comprehensive Peace Agreement are still facing challenges regarding the effective alignment of other armed groups and the integration of JIUs. Some positive developments were observed in February 2007 when the parties adopted a common military doctrine and code of conduct to guide the work of JIU forces.

8. All parties to the conflict in Darfur have engaged in military operations since the previous report of the Secretary-General (S/2006/662) in August 2006. In episodes of violence during the reporting period, tens of thousands of people were displaced, and hundreds of civilians, including children, were killed. Attacks on humanitarian staff and vehicle hijackings have reached unprecedented levels in Darfur, including attacks on peacekeepers of the African Union Mission in the Sudan (AMIS), resulting in seven deaths. The Government of the Sudan conducted aerial bombardment of the positions of non-signatory forces and civilian targets, in spite of its commitment in the Abuja Security Protocol of November 2004 to end hostile military flights in the region. Other factors aggravating the situation include the increased military presence of the Government of the Sudan in Darfur; activities of militias allied to the Government, known as Janjaweed; and clashes between armed groups in favour of, or opposed to, the Darfur Peace Agreement, which has led to the killing and maiming of children as well as to new displacements. The Government of the Sudan's 24 June 2006 plan to disarm the so-called Janjaweed has not been implemented. In addition, tribal conflicts and the presence of Chadian armed groups launching attacks against the Chadian Government forces from Darfur have contributed to the generalized insecurity in that region.

9. The Sudan and Chad agreed at a meeting in the Libyan Arab Jamahiriya in February 2007 to begin implementing the agreement signed by the two parties in Tripoli on 8 February 2006 by setting up border observation posts staffed by 500 Chadian, Libyan, Sudanese and Eritrean troops. The Darfur Peace Agreement of May 2006 requires those observers to monitor and register Chadian troops in the Sudan, many of whom are children.

III. Grave violations of children's rights

10. In general, the situation for children in the Sudan is showing small signs of improvement. However, reporting on violations continues to be fraught with difficulties, including access, especially in Darfur. In January 2007, the Office for the Coordination of Humanitarian Affairs reported that only 64 per cent of Greater Darfur was accessible to humanitarian agencies owing to the fighting. Difficulties in verifying the violations are a fundamental problem. In the South, violations are more of an intercommunal nature, resulting from years of conflict and from the breakdown of the rule of law.

11. With over 30 armed groups operating in the Sudan and with the regular shifts in alliances and splintering of the groups, it is a considerable challenge to present a definitive and comprehensive overview of parties. For purposes of clarity and ease of reference, I include an annex to the present report detailing parties and violations as of the end of June 2007.

A. Recruitment and use of children

1. Southern Sudan and the three areas

12. In the previous reporting period, the Sudanese Armed Forces and the Sudan People's Liberation Army were cited for the use of children in their forces. While some senior commanders are knowledgeable and conscious of children's rights, it appears that many junior officers of SAF and SPLA do not seem to be aware of those rights or disregard them. During the current reporting period the United Nations received no verifiable reports of recruitment of children by SAF or SPLA. Both forces have stated that their policies and procedures prohibit child recruitment. However, they have failed to fully prevent the association of children with armed groups allied to their forces who fall under their respective commands. Further, they have not allowed unhindered and direct access by the United Nations to military barracks for impartial verification, despite the commitment having been made by both SAF and SPLA to my Special Representative for Children and Armed Conflict during her visit to the Sudan in February 2007. Progress has also been limited in regard to the timely release of, and reintegration programmes for children.

13. The Pibor Defence Forces, a group previously allied with SAF, was responsible for the recruitment and use of at least 78 children, the youngest of whom was a boy 6 years of age. The children were identified and registered by the United Nations Mission in the Sudan (UNMIS) in November 2006, and their details were sent to the Southern Sudan Disarmament, Demobilization and Reintegration Commission. In April 2007, the Pibor Defence Forces switched camps and formally integrated into SPLA. The whereabouts of the children associated with the Forces remains unknown, and the Commission was unable to account for them after the movement of troops out of Pibor.

14. During the reporting period, the United Nations confirmed the presence of children associated with SPLA forces in Southern Sudan and in the three areas. The youngest of the children was 9 years of age and the average age 16. Forty-seven children were reported in the Kilo 7 barracks in Bentiu (Unity State) in July 2006. Owing to political posturing, delay tactics and other difficulties, the children were not released until July 2007. During that time, 23 children voluntarily left the barracks and returned home by their own means. The remaining 24 children were released and reunified through a combined effort of the Southern Sudan Disarmament, Demobilization and Reintegration Commission and the Northern Sudan Disarmament, Demobilization and Reintegration Commission, supported by the United Nations Children's Fund (UNICEF) and the Disarmament, Demobilization and Reintegration Unit of the United Nations Mission in the Sudan.

15. Children were allegedly enticed by junior officers of SPLA to join the move from Eastern Sudan on the way to Kilo 7 with promises of education in Southern Sudan. A similar episode occurred with more positive results in Upper Nile during November 2006, when 37 children were taken from a school by SPLA officers and brought back to the barracks. The unit commander intervened on their behalf and the children were released within 24 hours.

16. There were reports that the Sudanese Armed Forces-aligned forces of Major General Gabriel Tang Ginye recruited some 70 children, including street children, during hostilities in Malakal in late November 2006. The exact number of children involved could not be confirmed.

2. Recruitment and use of children in Darfur

17. Although improved and more systematic monitoring has resulted in better information on violations by groups, the verification of a number of allegations was hampered by insecurity and access limitations. Compared to my previous report (S/2006/662), the number of parties listed for recruitment and use of children increased during the present reporting period. However, that figure does not necessarily indicate an increase in the total number of children recruited and used. In my first report, the Chadian opposition forces, the Government of the Sudan-allied militias (Janjaweed) and SLA (Minni Minawi) were reported to be responsible for the recruitment and use of children. During the present reporting period, credible reports have indicated that the following armed forces and groups are recruiting and using children in Darfur: the Sudanese Armed Forces, the Justice and Equality Movement (JEM (Peace Wing)), the Sudan Liberation Army (Minni Minawi), SLA (Abu Gasim), SLA (Peace Wing), SLA (Abdul Wahid), the Popular Defence Forces (PDF), the Chadian rebel forces, Government of the Sudan-allied militias (Janjaweed) and the central reserve police.

18. The fragmentation of the armed groups in Darfur has affected the children associated with those groups. Seven boys between 14 and 16 years of age who were recruited by SLA before it split into various factions were held in SLA (Abdul Shafi) military detention between August and December 2006. They appear to have been detained because they were from the Zaghawa ethnic group, while the SLA faction they stayed with was predominantly Fur. They were released in December 2006 as a result of negotiations between the United Nations and SLA (Abdul Shafi).

19. Some of the children interviewed by United Nations monitors stated that they had been fighting in East Jebel Mara (Southern Darfur) for the past three years. There were confirmed reports in November 2006 that SLA (Abu Gasim) recruited and used children. In April 2007, armed children believed to be as young as 12 years of age and wearing uniforms were identified with SLA (Minawi) at Khazan Tunjur, south-west of Al-Fasher in Northern Darfur. In May 2007, 13 boys confirmed to UNMIS field monitors that they were recruited and were being used as combatants by the armed group JEM (Peace Wing).

20. While SAF denies any recruitment and use of children in their forces, the United Nations and AMIS field monitors have observed children associated with both SAF and allied militias. In April 2007, armed children believed to be associated with Government-allied militia were identified in the Kutum area. Two separate incidents reported in May 2007 indicated the presence of children in Government-regulated forces. During a visit to one of the Darfur police stations in May 2007, AMIS came across a child 17 years of age who was arrested and detained for allegedly shooting and wounding a civilian without justification. Also confirmed was the presence of children as young as 15 years of age with guns, some dressed in the uniform of PDF militia, recruited and used by that group in Mukjar, Western Darfur.

B. Killing of children

1. Southern Sudan and the three areas

21. The deaths of eight children, directly and indirectly related to armed conflict, were confirmed during the reporting period. Some killings were attributed to fighting between SPLA and the local militia known as the White Army, which took place in Jonglei State in August and September 2006. Further, following the fighting that erupted in Malakal, Upper Nile State, in November 2006 between SPLA and SAF, at least 150 people, including civilians, were reportedly killed. The exact number of children killed during that fighting is unknown. The responsibility for the killings lies with SAF and SPLA, who acted in clear violation of the ceasefire agreement. Some 31 people, mostly children, were killed due to unexploded ordnance during the first six months of 2007. However, those cases represent only the ones reported through the United Nations Mine Action Office, as many more incidents occurred during the reporting period.

2. Killing of children in Darfur

22. Sixty-two children were confirmed to have been killed during the reporting period in Darfur. However, the United Nations received additional reports alleging the killing of a further 110 children, which could not be verified. The Government of Sudan's aerial bombardments resulted in the deaths of children. For example, two children 4 and 15 years of age were killed in May 2007 as a result of the bombing of villages in Northern Darfur by the Government of the Sudan. In a series of incidents during late August 2006 in the Buram area of Southern Darfur, at least 11 children were confirmed killed when a militia from the local Habania ethnic group, described as Janjaweed, attacked about 50 villages and killed children by throwing them into burning houses. In addition, during the first six months of 2007 alone, 16 people died as a result of unexploded ordnance, of whom most were children tending animals, playing or working in the fields.

23. Although civilians, including children, continue to be killed during attacks in various parts of Darfur, the full extent of child casualties is unknown owing to limitations in access. The identification of perpetrators remains a considerable challenge.

C. Rape and grave sexual violence

1. Southern Sudan and the three areas

24. There were six confirmed cases of rape reported during the period, with responsibility attributed to members of armed forces or groups. For example, in March 2007, a girl 7 years of age was allegedly raped by an SPLA soldier in Unity State. In this instance, the soldier is in detention pending a court appearance. However, cases of alleged violations by SPLA perpetrators are rarely investigated or prosecuted.

2. Rape and grave sexual violence in Darfur

25. In Darfur, rape is widespread and used as weapon of war. It is clear that the problem extends far beyond the few cases that have been confirmed. Generally,

perpetrators are armed men, often in uniform, targeting internally displaced persons or village women and girls on their way to and from livelihood activities. In many incidents, victims identified perpetrators as elements of SAF, the central reserve police and the Janjaweed. Unidentified armed men have allegedly committed rape in a number of other incidents. Increasingly, the trend in Darfur seems to indicate that younger girls are being specifically targeted for rape. There were also five boys among 62 confirmed reports of rape during the year.

26. On 15 April 2007, two girls, ages 10 and 12, from Northern Darfur, returning home from working on a farm, were approached by two armed soldiers dressed in green khaki uniforms. One soldier pushed the 12-year-old girl to the ground and raped her while the other continued beating the 10-year-old. Upon seeing a group of internally displaced persons approaching, the soldiers reportedly quickly escaped southward in the direction of the SAF military camp in nearby Umm Dereisa. Two SLA (Minawi) soldiers raped a 12-year-old girl at Taradona in Northern Darfur on 15 October 2006. She was brutally attacked and beaten. The allegation was confirmed and attributed to SLA (Minawi). In September 2006, it was confirmed that four SAF soldiers raped a girl 16 years of age in Eastern Jebel Marra. The attack was carried out in the presence of the girl's six-month-old son, who was born as a result of an earlier rape. These rape cases reflect the daily atrocities to which girls are subjected, many of which occur when girls are fetching water, collecting firewood or performing other such domestic chores.

27. In Darfur, investigation and prosecution of the crime of rape is very rare. Many cases go unreported owing to the stigma attached to the survivor. The justice system in Darfur is very weak. During the reporting period, there were three cases recorded that involved two central reserve police officers and one SAF soldier who were prosecuted for the alleged rape of children as young as 13 years of age.

D. Abduction of children

1. Southern Sudan and the three areas

28. Ten cases of abduction were confirmed during the reporting period, and two Dinka boys were returned to their homes after the intervention of state governors. Most of the abductions occurred during cattle raids and during conflict between communities. At least 40 more children were reported to have been abducted, but those allegations were not confirmed. Many of the latter abductions were allegedly perpetrated by armed men from the Murle tribe in Jonglei State. Reports indicate that the above-mentioned abductions also occurred during cattle raiding operations. There are also abduction cases attributed to LRA. On 28 March 2007, a village near Maridi, Western Equatoria, was attacked by armed men suspected of belonging to LRA. Six girls between 12 and 17 years of age were abducted. The whereabouts of the girls remains unknown.

2. Abductions in Darfur

29. There were 26 confirmed cases of abduction and, in one case, four civilian men were charged in Kass, Southern Darfur. They were found not guilty of abduction but were found guilty under forced labour charges and ordered to pay compensation for unpaid wages. On 19 March 2007, a boy 15 years of age was abducted near the Kabkabiya area by 10 armed men believed to be elements of SLA

(Minawi). The boy managed to escape and returned home. There were also more than 150 additional reports of abduction that could not be confirmed.

E. Attacks on schools or hospitals

1. Southern Sudan and the three areas

30. There are persistent reports that SPLA forces are occupying schools in various locations in Southern Sudan. An investigating team from the United Nations Mission in the Sudan confirmed the occupation of one school by SPLA soldiers at Holi village, near Torit town (Eastern Equatoria). Lessons for the children had to be conducted outside under a tree. In a more violent incident, SPLA forces raided a school in Nasir, Upper Nile, in October 2006 for the purpose of recruitment. Thirty-two boys and 24 teachers were abducted. All but two boys were released after sustained pressure was exerted on SPLA by parents and teachers.

2. Attacks on schools or hospitals in Darfur

31. Seven attacks on schools by SAF and allied militias were confirmed during the reporting period, and six others remained unconfirmed. An investigation into the aerial attack by SAF on the village of Umm Rai in Northern Darfur on 21 April 2007 revealed that a helicopter fired nine rockets at the school while 170 children were having lessons inside the classrooms. Four rockets landed inside the school grounds, as close as two metres from the classrooms. Five rockets reportedly landed just outside the school fence. Two children, a boy and a girl between 12 and 14 years of age, suffered superficial injuries.

32. Equally disturbing are reports that elements of SAF were involved in the looting of health facilities in Darfur. On 1 September 2006, SAF soldiers looted the health centre, the pharmacy and the guesthouse of an international non-governmental organization in Hashaba North, Northern Darfur after non-governmental organizations staff were killed in crossfire. Elsewhere, SAF Antonov aircraft bombed Bir Maza, Northern Darfur on 4 November 2006, undermining a polio vaccination campaign planned for 8 November 2006.

F. Denial of humanitarian access in Darfur

1. Southern Sudan and the three areas

33. There were several incidents hampering humanitarian action in Southern Sudan. For instance, in an incident on 14 September 2006, 25 SPLA soldiers engaged in the ongoing disarmament campaign forced their way into the compound of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Rumbek. The guards were beaten and threatened. On 12 February 2007, a World Food Programme (WFP) truck on its way back from distributing food to the hospital 2 kilometres north of Billing was stopped and staff were harassed by SPLA soldiers. Generally, access is also denied to areas held by the Lord's Resistance Army.

2. Denial of humanitarian access in Darfur

34. The insecurity and lawlessness prevailing in many areas of Darfur is seriously hampering humanitarian action. On 13 September 2006, armed men abducted a

United Nations agency truck loaded with commodities near Abdel Shakour, in Northern Darfur. The driver and truck were released two days later. Parties to the conflict are failing to address the consistent targeting and hijacking of the vehicles of humanitarian agencies in Darfur. Such attacks bear considerable consequences for children.

3. Denial of humanitarian access in Eastern Sudan

35. The last quarter of the reporting period showed improvement of humanitarian access in the states of Eastern Sudan, including Kassala State. This allowed for the initiation of a dialogue and preparations for a children's disarmament, demobilization and reintegration programme by UNICEF, in collaboration with the Northern Sudan Disarmament, Demobilization and Reintegration Commission and the Eastern Front, which has begun together with other child protection programmes. However, there are still instances of denial of access in Eastern Sudan.

IV. Progress in dialogue and action plans

36. At the time of my first report on the situation of children in Sudan (S/2006/662), a dialogue was under way with various armed forces and groups, including the Sudanese Armed Forces and the Sudan People's Liberation Army through the Ceasefire Joint Military Committee and the Sudan Liberation Army factions of Minawi and Wahid in Darfur. However, no action plans or written commitments were in effect. The visit of the Special Representative of the Secretary-General for Children and Armed Conflict to the Sudan in February 2007 gave momentum to dialogue and advocacy efforts, and significant progress has been made since then. A time-bound action plan for the identification and release of children was signed between SLA (Minawi) and the United Nations Children's Fund in June 2007. In the same month, SAF and SPLA commanders made a commitment to end child recruitment, and an Area Joint Military Committee action plan addressing children in Upper Nile, Jonglei and Unity States was prepared. It is anticipated that the precedent set by the commitment of the SLA (Minawi) faction in Darfur to an action plan will generate momentum for other armed groups to follow suit.

A. Southern Sudan, Khartoum and the three areas

37. In Southern Sudan, ceasefire bodies have provided the main vehicles for dialogue with parties to discuss violations of children's rights and particularly the recruitment of children. During the reporting period, UNMIS child protection advisers have used the Ceasefire Joint Military Committee and its seven subsidiary Area Joint Military Committees to engage with SAF and SPLA on abuses against children and on problems in releasing children from military units, particularly from those newly incorporated from other armed groups. In some cases, the Ceasefire Joint Military Committee has taken action on allegations of child recruitment in Southern Sudan, such as that taken in July 2006 when it received allegations that the SPLA recruited children around Gedaref while redeploying towards Southern Sudan. The Ceasefire Joint Military Committee gave UNMIS child protection the task of investigating the allegations, as a result of which 47 children were located in

Kilo 7 military barracks, Bentiu (Unity State). The children were released and reunited with their families in May 2007 with the assistance of UNICEF. In addition, dialogue with parties through the Ceasefire Joint Military Committee and the Area Joint Military Committees allowed UNMIS child protection to disseminate Security Council resolution 1612 (2005) and deliver training on child protection to 64 SPLA and SAF field commanders. During the last training session, held on 7 June 2007, 60 SAF and SPLA commanders made a commitment to end child recruitment and also developed an Area Joint Military Committee action plan to address abductions, rape and sexual violence against children in Upper Nile, Jonglei and Unity States.

38. The United Nations, with the lead of UNICEF and UNMIS child protection, has been in constant dialogue with the Northern Sudan Disarmament, Demobilization and Reintegration Commission. UNICEF is actively working with the disarmament, demobilization and reintegration commissions to develop policy, raise awareness and implement activities for child release and reintegration programmes. UNICEF is also seconding staff to help build capacity and train commission and non-governmental organization staff on working with children in the release and reintegration process.

39. In February 2007, a joint military team led by UNMIS met with the Commissioner of Pibor and General Ismail Koni, a Murle leader and leader of the Pibor Defence Forces, on the alleged child abductions by Murle militias. Both promised to take tough actions against perpetrators of child abductions.

40. UNICEF has also engaged with the Lord's Resistance Army through the peace talks in Juba in order to establish programmes in the assembly areas for children and women. LRA did not release any children during the reporting period.

B. Darfur

41. UNICEF has been in dialogue with the SLA (Minawi) on the need to end the recruitment of children and to release those associated with its forces. On 11 June 2007, SLA (Minawi) and UNICEF signed an action plan, which was witnessed by the acting Resident Coordinator/Humanitarian Coordinator. It is anticipated that the action plan will benefit about 1,800 children believed to be associated with SLA (Minawi). UNICEF agreed to provide services to the released children through a community-based reintegration programme.

42. UNICEF and UNMIS have also approached other armed groups to discuss the release of children from their forces. Talks with representatives of SLA (Wahid), SLA (Shafi) and SLA (Free Will) indicate that the groups are willing to collaborate with the international community towards the release of children in their ranks. However, by the end of June 2007, no concrete commitments to release children had been made by those armed groups. Similarly, AMIS carried out advocacy on children's issues through the Darfur Peace Agreement Ceasefire Commission. However, the Commission has not yet effectively addressed violations by the parties.

V. Follow-up on recommendations and programmatic response to violations

43. Beyond dialogue in relation to action plans, progress has been made in a number of respects in follow-up to the recommendations of my first report (S/2006/662) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2007/5, annex), including significant steps by national authorities outlined in further detail below.

44. My Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, visited the Sudan from 26 January to 2 February 2007, accompanied by the Deputy Executive Director of UNICEF, Rima Salah. The main purpose of the visit was to assess first-hand the situation of war-affected children and to address the pertinent issues with the authorities of the Sudan and various stakeholders, based on my recommendations. The Special Representative stressed that children have no place in conflict and urged all the parties to make a commitment to ending child recruitment and to immediately release all children associated with their forces. She acknowledged the efforts of the national authorities in establishing policies and structures for the protection of children, and stressed that much remained to be done to ensure the practical implementation of those commitments. The following commitments were made to my Special Representative by the Government of National Unity and the Government of Southern Sudan:

(a) To allow UNICEF and UNMIS to visit and audit the Sudanese Armed Forces and the Sudan People's Liberation Army as well as the military barracks of allied armed forces and groups, and to allow the United Nations, together with an appropriate government focal point such as the National Council for Child Welfare, to monitor and verify compliance;

(b) To allocate adequate resources for the reintegration of children associated with armed forces into their communities;

(c) To adopt and implement in a timely manner national legislation to criminalize the recruitment of child soldiers;

(d) To establish, jointly with the United Nations, a task force on sexual violence and abuse against children;

(e) To ensure the safety and protection of humanitarian personnel, including follow-up and action on recent attacks against United Nations staff in Nyala and on the consistent incidents of armed robbery and other targeting of humanitarian personnel.

45. There has been some progress regarding the release and reintegration of children, although the process remains generally slow. Despite the establishment of the Southern and Northern Sudan disarmament, demobilization and reintegration commissions with children's desks, large numbers of children were still being held in military barracks beyond the 9 July 2006 deadline. Some children returned to the army owing to the lack of an effective reintegration programme. During the reporting period, hundreds of children were released from SPLA, and a small number were released from other armed groups aligned with SAF. In May 2007, successful coordination between the Northern and Southern Sudan disarmament, demobilization and reintegration commissions facilitated the release of 25 children from SPLA in Bentiu, Southern Sudan, and their reunification with their families in

Northern Sudan. Reintegration programmes are already being organized for those children. The Southern Sudan Disarmament, Demobilization and Reintegration Commission has planned for a further release and reintegration of almost 600 children from SPLA ranks in Southern Sudan and the three areas. At the time of preparation of the present report, arrangements were under way between the United Nations Development Programme (UNDP) and the Northern Sudan Disarmament, Demobilization and Reintegration Commission on the return and assembly of former fighters of the Eastern Front. Reports were received on the presence of children, and a dialogue has been initiated by UNICEF and the National Disarmament, Demobilization and Reintegration Coordination Council on the release, family tracing and reunification for those children.

46. As a follow-up to the recommendations in my first report (S/2006/662) and commitments made to my Special Representative on ensuring adequate reintegration support to released children when they return to their communities, UNICEF conducted an assessment of reintegration activities implemented in 2006. The report on that assessment highlighted the need to support long-term reintegration of children through community-based programming. It also called for a strategy that fosters greater integration with other United Nations agencies and stakeholders for a more holistic approach to supporting children, families and communities.

47. During the reporting period, consultative meetings were conducted by the National Council for Child Welfare, supported by UNICEF, with the participation of all sectors and institutions related to children in contact with the law. In that process, child-friendly procedures and policies related to children in Khartoum State were initiated and/or adopted, including the establishment of a special prosecution office and a special court for children to deal with children as offenders; as victims of crimes, including sexual and gender-based violence; and as witnesses.

48. On 16 June 2007, UNICEF, in collaboration with the National Council for Child Welfare, launched a comprehensive child protection awareness campaign celebrating the Day of the African Child in the three states of Darfur and in Eastern Sudan, Khartoum and the three areas. The campaign included key messages on a number of child protection issues, including child recruitment and sexual and gender-based violence. The campaign targets partners, parents, children and service providers and aims at creating greater community awareness of the definition of and response to grave child rights violations. The campaign is ongoing and will be implemented until the end of 2008. The child recruitment concern will be addressed in September 2007.

49. UNMIS continues to implement my zero-tolerance policy on sexual abuse and exploitation of children by peacekeeping personnel, including through rigorous investigation of allegations of such abuse. For example, the Office of Internal Oversight Services is investigating such allegations against United Nations peacekeepers in Juba, and appropriate action will be taken if those allegations are found to be true.

50. Also during the reporting period, the Government of National Unity was represented at the Free Children from War conference, held in Paris in February 2007, by the Minister for Foreign Affairs, the National Council for Child Welfare and the Northern Sudan Disarmament, Demobilization and Reintegration Commission. Three national non-governmental organizations also took part in the conference. On 25 May 2007, a Government of National Unity delegation headed by

the State Minister for Social Welfare presented the report of the Sudan to the Committee on the Rights of the Child regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The delegation included representatives of the Government of Southern Sudan. That report highlighted the measures being taken by the national authorities. The Committee on the Rights of the Child commended the Sudan on its work, recognizing that the ongoing conflict and widespread violence affects not only large parts of the population but also obstructs the implementation of the Optional Protocol. Among the recommendations made by the Committee were the need for improved disaggregated data collection for the country as a whole; ratification of the Rome Statute of the International Criminal Court; strengthening of the National Council for Child Welfare; and increased collaboration between the Council and non-governmental organizations and civil society. Furthermore, the Committee recommended that the Sudan take all necessary measures to prevent, prohibit and punish any act or transaction whereby a child is transferred by any person or group of persons to another for the purpose of recruitment in armed conflict.

VI. Measures undertaken by national authorities to address grave violations

51. Beyond the examples of responses highlighted above, national authorities in the Sudan have undertaken a number of important initiatives at the institutional level for the protection of children, including the review and revision of the national legal protection framework and initiatives relating to sexual violence. However, it must be stressed that ensuring tangible protection for children through the practical implementation of these commitments remains lacking.

A. Legislative reforms

52. The National Council for Child Welfare is leading an interministerial committee, of which UNICEF and UNMIS are members, on legal reform for children. The Council has agreed to advocate for child protection legislation with relevant state institutions. The committee has reviewed, amended and finalized a draft child rights bill which would replace the Child Act of 2004 that has been applicable in Northern Sudan. Similar processes have been initiated in five states for state-level legal reform. The draft Sudan armed forces act was expected to be debated in the National Assembly in October 2006, but had not yet reached the Assembly by the end of June 2007. The bill sets 18 as the minimum age for recruitment and lays down criminal penalties for persons who recruit those under 18 years of age. It also lays down criminal penalties for a range of violations of humanitarian and human rights law, including killings, abduction and enslavement, rape and attacks on schools and hospitals. There is also ongoing consideration of the revision of the 1991 Criminal Act in order to clarify the definition of rape and other sexual offences.

53. In Southern Sudan, the Child Bill of 2006, which prohibits the recruitment of children, passed its first reading in the Southern Sudan Assembly in June 2007.

B. Structures to address sexual exploitation and abuse, and other child protection concerns

54. Further to the recommendations, in my first report, on sexual violence against girls and women in Darfur and on the responsibility of national authorities to deal proactively with that issue, state committees to deal with sexual and gender-based violence have been established. Through the committees, representatives of the United Nations have worked to promote access to medical services, justice for survivors and capacity-building for key government representatives. However, the committees do not yet function effectively, mainly owing to the continued denial of sexual and gender-based violence as a major issue in Darfur by the Government of the Sudan. Likewise, two joint task forces on sexual exploitation and abuse established in February 2007 in Northern and Southern Sudan are yet to become fully operational.

55. In January 2007, the National Council for Child Welfare organized a one-day workshop in Khartoum jointly with UNMIS, UNICEF and AMIS on the sexual abuse and exploitation of children. The workshop included many presentations on current systems in place for addressing sexual abuse and exploitation. In the same month, the Vice President of the Government of Southern Sudan held a public meeting in Juba with UNMIS and UNICEF that set up a similar sexual abuse and exploitation task force for Southern Sudan, and also inaugurated a public information campaign on the issue.

56. In Khartoum, a child and family protection unit was established within the State Police in January 2007 with the support of UNICEF. The unit, which offers various child-friendly services, including legal aid and psychosocial support, has assisted more than 400 children that have been victims of abuse and sexual and gender-based violence in a six-month period. The same process has been initiated in Western Darfur, Ghedaref and Kassala. Of particular note during the reporting period is the initiative by the Western Darfur Police, who held a two-day workshop to discuss a draft child-friendly plan for that unit. The plan will be a cross-sectoral initiative, with support from various service providers, including social workers, health officials and psychosocial support. In addition, the Western Darfur parliament also held a two-day workshop to discuss a model law for child protection, which includes issues of relevance to resolution 1612 (2005). The preceding initiatives were supported by UNICEF.

57. Child protection working groups are active in all three states of Darfur and in an additional nine states in Northern Sudan. The groups coordinate child protection response at the state level in order to maximize the impact of child protection programming.

58. In Southern Sudan, the Ministry of Gender, Social Welfare and Religious Affairs has established child protection working groups in all states with the support of relevant Government departments, non-governmental organizations and United Nations entities. The first meetings of the child protection groups were held in Juba, Malakal and Wau in February 2007 to discuss workplans, identify areas of concerns for child protection in Southern Sudan and analyse gaps in services provided to children.

C. Commitment to child disarmament, demobilization and reintegration by national disarmament, demobilization and reintegration authorities

59. National disarmament, demobilization and reintegration bodies have been established by the Government of National Unity and the Government of Southern Sudan. The National Council for Disarmament, Demobilization and Reintegration Coordination and the Northern Sudan Disarmament, Demobilization and Reintegration Commission were established in February 2006; while the Southern Sudan Disarmament, Demobilization and Reintegration Commission was created in May 2006. The Northern and Southern disarmament, demobilization and reintegration commissions have a mandate through peace agreements to plan and implement disarmament, demobilization and reintegration operations, including the release and reintegration of children, with the support of the international partners (disarmament, demobilization and reintegration provided by United Nations entities, including UNDP, the Disarmament, Demobilization and Reintegration Unit of UNMIS and UNICEF). However, the disarmament, demobilization and reintegration of children is hampered by continued fighting in Darfur and by the lack of some of the most basic infrastructure in communities to enable them to absorb and integrate their children.

VII. Recommendations

60. I urge all relevant parties, as a matter of priority, to implement the recommendations of my first report on the situation of children in Sudan (S/2006/662) and the subsequent conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2007/5, annex). I call upon the Government of National Unity and the Government of Southern Sudan to end the recruitment and use of children in their forces in accordance with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which the Sudan has ratified. The Government of National Unity bears direct responsibility for the recruitment and use of children in both the Sudanese Armed Forces and all aligned forces, and the Government of Southern Sudan bears direct responsibility for the recruitment and use of children in the Sudan People's Liberation Army; both must act to halt recruitment, and release any children within their ranks without delay.

61. In that regard, I welcome the action plan on child recruitment and reintegration agreed by the Sudan Liberation Army (Minawi) with UNICEF, and call upon the signatories to implement the agreement without delay in order to facilitate the release of children and facilitate their return and reintegration into their families.

62. I urge all parties to the conflict in Darfur, Darfur Peace Agreement signatories and non-signatories, to take concrete steps to implement the commitments made to my Special Representative for Children and Armed Conflict to end grave violations of children's rights, and also urge the Government of National Unity and the Government of Southern Sudan to take concrete steps to undertake an independent verification exercise with the support of the United Nations Children's Fund and the United Nations Mission in the Sudan to assess and identify the children presently associated with the armed forces and their allied armed groups and to establish a

regular monitoring and verification system. In this regard, I call on all parties to the conflict to enter into dialogue with the United Nations in order to develop concrete action plans, in line with the Paris Principles, to release and reintegrate children and to address other grave violations of children's rights.

63. I commend the inclusion of child protection provisions for the African Union-United Nations hybrid peacekeeping mission in Darfur as specified in Security Council resolution 1769 (2007), and request the United Nations and the African Union to ensure that the protection of children is addressed in the implementation of the Darfur Peace Agreement and that the monitoring and reporting of grave violations against children and the protection dialogue with parties to conflict in relation to action plans are continued.

64. I am concerned about the slow progress in the disarmament, demobilization and reintegration programmes in Southern Sudan, the three areas and Darfur, as well as in the East. I reiterate my urgent call to the Northern and Southern disarmament, demobilization and reintegration commissions to carry out child disarmament, demobilization and reintegration without delay, with a special focus on the release and reintegration of children.

65. I commend the work of ceasefire institutions in addressing child recruitment with SAF and SPLA. I encourage the Ceasefire Joint Military Committee and the Area Joint Military Committees to maintain children on their agenda and facilitate the training of United Nations military observers and SAF and SPLA commanders on child protection. I also encourage African Union Mission in the Sudan peacekeepers to continue a dialogue with parties through the Darfur Peace Agreement Ceasefire Commission in order to investigate child rights violations.

66. I am deeply concerned that sexual violence against women and girls continues with impunity throughout the country, and in particular in the conflict-affected areas of Darfur. I strongly urge the Government of National Unity to step up its efforts to assert the rule of law, including through the establishment of child and women protection units within the police and the training of social and judiciary workers throughout the country.

67. I am also concerned that humanitarian actors are increasingly attacked and their vehicles hijacked in Darfur, and call upon the Government of National Unity and all parties to the conflict in Darfur to cease such attacks and fully cooperate with the African Union Mission in the Sudan, and to facilitate the work of United Nations agencies and of local and international non-governmental organizations carrying out protection and humanitarian work in Darfur.

68. I reiterate my concerns over the continued reports of systematic abduction and kidnapping of children in both Southern Sudan and Darfur, and urge both the Government and armed groups to act without delay to stop that practice.

69. I commend the work of the United Nations Children's Fund, the United Nations Mission in the Sudan, the African Union Mission in the Sudan and non-governmental child protection partners in their constant efforts to prevent and respond to grave child rights violations. I call upon the international community to support UNICEF, the disarmament, demobilization and reintegration commissions and the child protection partners with the resources needed to release and reintegrate children and to continue their programmes of prevention and response to the grave violations of children's rights.

70. I welcome the efforts by the Government of National Unity and the Government of Southern Sudan to carry out legal reforms that will positively impact on the situation of children in the Sudan. However, I am concerned about the slow progress in passing the draft Sudan Armed Forces act (2006) and the draft child rights bill (2006). I urge government authorities and parliamentarians to accelerate those processes without delay, and to implement the legislation.

Annex

Grave violations against children in armed conflict committed by parties named in the report, July 2006-June 2007

Parties in Darfur	*Constituencies*[a]	*Recruitment and use*	*Killing and maiming*	*Abduction*	*Grave sexual violence*	*Denial of humanitarian access*	*Attacks on schools and hospitals*
Parties under the control of the Government of the Sudan							
Sudanese Armed Forces	Legally regulated government armed forces	•	•		•	•	•
Popular Defence Forces	Legally regulated military force, linked to National Islamic Front grouping in ruling National Congress Party						
Police forces	Legally regulated government police including central reserve police						
Militias supporting the Government; also called Janjaweed	Northern (camel) Rizeigat, Zaghawa (Umm Kamalti), Saada tribal constituencies; may be linked to PDF or SAF						
Chadian opposition groups	Tama tribal constituencies; may be linked to PDF or SAF						
Former rebel parties who have accepted the Darfur Peace Agreement							
Sudan Liberation Army/ Movement (Minawi)	Zaghawa tribal constituency	•	•		•		•
Sudan Liberation Army/ Movement (Free Will)	Birgid tribal constituency						
Justice and Equality Movement (Peace Wing)	Masalit tribal constituency						
Sudan Liberation Army (Abu Gasim)	Fur tribal constituency						
Rebel parties who have rejected the Darfur Peace Agreement							
Sudan Liberation Army/ Movement (Wahid)	Fur tribal constituency	•		•			
Sudan Liberation Army/ Movement (Shafi); also called the 32 commanders group	Fur tribal constituency						

Parties in Darfur	*Constituencies*[a]	*Recruitment and use*	*Killing and maiming*	*Abduction*	*Grave sexual violence*	*Denial of humanitarian access*	*Attacks on schools and hospitals*
Group of 19 (G19)	Fur and possibly Masalit tribal constituencies						
Justice and Equality Movement	Zaghawa leadership, Masalit tribal/Islamist political constituency						
National Redemption Front (NRF)	Coalition including JEM, elements of G19, SLA (Wahid), SLA (Shafi), secularist politicians; linked to Eritrea						
Non-Signatory Front (NSF)	Coalition linking NRF with SLA groups						
Tribal militias that may be armed by the Government of the Sudan but now fighting each other					•		
Maaliya, Tarjem, Habaniya, Fallata, Rizeigat (Abbala), Mahria							

Parties in Southern Sudan	*Constituencies*[a]	*Recruitment and use*	*Killing and maiming*	*Abduction*	*Grave sexual violence*	*Denial of humanitarian access*	*Attacks on schools and hospitals*
Parties under the control of the Government of the Sudan		•	•		•		
Sudanese Armed Forces	Legally regulated government armed forces						
Police forces	Legally regulated police forces						
South Sudan Defence Forces, including the forces of Major General Gabriel Tang Ginye	Nuer tribal constituency						
Parties under the control of the Government of Southern Sudan							
Sudan People's Liberation Army	Legally regulated government armed forces	•			•		
Pibor Defence Forces	Murle tribal constituency						
Parties whose allegiance is not clear or not solidified			•		•		
Peace forces	Kresh, Balanda and other Western Bahr al-Ghazal tribes						
Jamos Third Brigade	Officially incorporated into SPLA						
Parties under the control of both the Government of the Sudan and the Government of Southern Sudan					•		
Joint Integrated Units	Legally regulated government armed forces						

Parties in Southern Sudan	*Constituencies*[a]	*Recruitment and use*	*Killing and maiming*	*Abduction*	*Grave sexual violence*	*Denial of humanitarian access*	*Attacks on schools and hospitals*
Groups of tribally linked armed civilians involved in intercommunal fighting or confrontations with parties							
Lou Nuer (White Army), Bul Nuer, Dinka Gok, Agar, Apuk, Aguok, Kuac, Murle			•	•			

Parties in Eastern Sudan	*Constituencies*[a]	*Recruitment and use*	*Killing and maiming*	*Abduction*	*Grave sexual violence*	*Denial of humanitarian access*	*Attacks on schools and hospitals*
Parties under the control of the Government of the Sudan							
Sudanese Armed Forces	Legally regulated government armed forces	n/a	n/a	n/a	n/a	n/a	n/a
Popular Defence Forces	Legally regulated military force, linked to National Islamic Front grouping in ruling National Congress Party						
Rebel groups							
Eastern Front	Coalition of Free Lions (Rashaida tribal constituency) and Beja Congress (Beja tribal and secularist political constituency)	n/a	n/a	n/a	n/a	n/a	n/a

[a] "Tribal constituency" means that the group tends to recruit from the named tribe or tribes. It does not mean that all or many people belonging to a tribe support the actions of the group.

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Letter dated 30 August 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Further to my letter of 30 March 2007 and its annex (containing the progress report on the implementation of the Comprehensive Peace Agreement (S/2007/185)), I have the honour to transmit to you the latest updated report as of 20 August 2007 (see annex).

I would be grateful to you if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

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Annex to the letter dated 30 August 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Implementation of the Comprehensive Peace Agreement: progress report

Firstly: Implementation progress (Updated to 20 August 2007)

1. **Approval of the CPA**

Both the former National Assembly and the Liberation Council of the SPLM approved the CPA in January 2005.

2. **Power-sharing Protocol**

National level

Interim National Constitution (INC):

(a) The two parties, in accordance with the CPA prepared a draft Interim National Constitution;

(b) The National Constitution Review Commission (NCRC) was established on 30 April 2005. It accomplished its mandate by adopting the draft Interim National Constitution on 18 June 2005;

(c) Seventeen parties and political institutions participated in the work of the National Constitutional Review Commission that prepared the draft constitution;

(d) Both the former National Assembly and the Liberation Council of the SPLM approved the Interim National Constitution;

(e) The President of the Republic signed the Interim National Constitution on 9 July 2005.

Appointment of the two Vice Presidents:

On 9 July 2005, the President of the Republic issued a Presidential decree appointing the first Vice President and the Vice President. They were both sworn in on the same day.

Government of National Unity:

(a) The Government of National Unity was appointed on 20 September 2005 and sworn in on 22 September 2005;

(b) The Government of National Unity is composed of 14 parties and political Organizations.

The National Assembly:

(a) The National Assembly is composed of 450 seats representing 17 parties and political organizations;

(b) The Assembly held its inaugural session on 31 August 2005.

The Council of States:

(a) The Council of States is composed of 50 members, two for each State in addition to two observer members representing the Abyei Area, who are yet to be appointed;

(b) The Council of States held its inaugural session on 31 August 2005.

The Assessment and Evaluation Commission (AEC):

(a) On 30 October 2005, a Presidential Decree was issued establishing the AEC;

(b) On 1 November 2005, a Presidential Decree was issued appointing the members of the Commission;

(c) The Commission inaugurated its functions in the presence of the representatives of the international community;

(d) The rules of procedure of the Commission have been approved by the Presidency;

(e) The Commission held 17 meetings;

(f) The Commission formed four (4) workings for the protocols of the CPA, which are meeting and reporting regularly to the AEC.

The Committee to draw the 1/1/1956 borders between North and South Sudan:

(a) The Presidential Decree establishing the Committee was issued on 8 September 2005;

(b) On 20 November a Presidential Decree appointing the Chairman and members of the Commission was issued;

(c) The Committee held its first meeting on Thursday, 9 March 2006, and continued to hold its regular meetings;

(d) The Committee approved its budget and its rules of procedure have been approved by the Presidency;

(e) The Committee set out a plan of action for the coming period and started it by tours to the Juba and the states;

(f) For the purpose of data collection members of the Committee will pay visits to the United Kingdom of Great Britain and Northern Ireland and Egypt;

(g) Technical equipments, determined by the Committee, have been imported;

(h) The Committee finished most of its primary field work;

(i) The Committee visited the United Kingdom and Egypt to collect more data;

(j) The Committee will submit its report by February 2008 as decided by the Presidency.

The Judicial Service Commission:

(a) Following the adoption by the National Assembly of the Judicial Service Commission Act on 14 September 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states. The President of the Republic approved it on 5 October 2005;

(b) On 6 December 2005 the Presidential Decree appointing the chairperson and members of the Commission was issued;

(c) At its 1st meeting, the Commission referred its nominations for the Constitutional Court to the Council of States. The Commission holds regular meetings.

Constitutional Court:

(a) Following the adoption by the National Assembly of the Constitutional Court Act on 19 September 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states. The President of the Republic approved it on 9 November 2005;

(b) In accordance with the recommendation of the Judicial Service Commission and the approval of the Council of States, the President, on 24 December 2005, issued a Republican Decree appointing the President and members of the Constitutional Court;

(c) The President and members of the Constitutional Court were sworn in and commenced their functions.

National Population Census Council:

(a) Prior to its establishment, since the Pre-Interim period the census bureaus of GOS and GOSS met regularly inside and outside Sudan together with the United Nations Population Fund (UNFPA) to prepare the ground for the census;

(b) The Presidential Decree establishing the Council was issued on 7 January 2006;

(c) The Council held its first meeting on 7 March 2006;

(d) The Council approved the proposal of the organizational setup of the census, including the formation of the National Technical Committee (NTC);

(e) The 2nd meeting of the Council was scheduled on 19 July 2006;

(f) The estimated budget for the fifth national census will be 73 million United States dollars ($). Out of this the Government of National Unity will contribute $40 million and the rest will be contributed by the donors through the MTDF;

(g) The pilot census project took place between 15 and 30 April 2007. The pilot project evaluated the plan for the census and lessons learned were drawn;

(h) Enumeration will take place on 2 February 2008.

The National Constitutional Review Commission (NCRC):

(a) A Presidential Decree was issued on 7 January 2006 for the purpose of restructuring NCRC according to the power-sharing formula and in accordance with the Interim National Constitution;

(b) A joint committee between NCP and SPLM will jointly address the political parties on their participation in the Commission;

(c) A Presidential Decree was issued on 29 April 2006 appointing the members and co-chairs of NCRC;

(d) NCRC convened and passed four bills: The Political Parties Act, Civil Service Commission Act, the Human Rights Commission Act and the Council for Development and Promotion of National Languages Act;

(e) Under way are the bills of the National Land Commission and the National Electoral Law (National Electoral Commission).

Representation in the Administration of the National Capital:

(a) An agreement has been reached within the Presidency;

(b) The Governor of Khartoum State formed the state Government after the adoption of the state constitution according to the agreement reached.

Special commission to ensure the rights of non-Muslims in the national capital:

(a) There is an agreement within the Presidency to establish the commission and consultations are under way for its formation;

(b) Criteria of appointing members of the Commission approved by the Presidency;

(c) The Presidential Decree establishing the Commission is issued;

(d) The Presidential Decree appointing the chairman and the members of the Commission is issued;

(e) The commission is meeting regularly;

(f) Both the commission budget and its internal rules and regulation are approved by the Presidency;

(g) The commission adopted a workplan to guide its work.

The National Civil Service Commission:

(a) A preparatory team presented a first draft after consultations during which national and international experts participated;

(b) A draft act has been presented to the Presidency;

(c) The National Assembly passed the bill received from NCRC and the Council of Ministers;

(d) The Presidential Decree appointing the chairman and the members of the Commission has been issued;

(e) The Commission held its first meeting on 21 August 2007.

The Human Rights Commission:

The National Land Commission:

Repatriation of refugees:

(a) Tripartite agreements have been signed by GONU, the United Nations High Commissioner for Refugees (UNHCR) and neighbouring countries to facilitate the repatriation of the Sudanese refugees;

(b) Some preparations between the relevant government and authorities are under way to facilitate the resettlement of the displaced to the South and other war-affected areas.

The National Security Service/National Security Act in accordance with the Interim National Constitution:

(a) Consultations are under way between the two parties. A number of meetings and workshops have been held on the issue;

(b) Deputy Director of the intelligence and security bureau had been appointed from SPLM;

(c) One hundred and seven (107) officers from SPLM were appointed by the President of the Republic in the intelligence and security bureau.

Southern Sudan level

Vice President of GOSS:

The First Vice President and President of the Government of Southern Sudan (GOSS) appointed the Vice President of GOSS.

The Provisional government for Southern Sudan:

Pending the adoption of the Southern Sudan constitution, the first Vice President and President of GOSS appointed a caretaker government to run the region's affairs.

The Transitional Legislative Assembly for Southern Sudan:

(a) The First Vice President and President of GOSS appointed the Transitional National Assembly for Southern Sudan;

(b) The Assembly is composed of 170 members representing eight parties.

The Interim Constitution for Southern Sudan:

(a) A Committee of SPLM prepared the draft southern Sudan Constitution. Some discussions on it were conducted with the NCP;

(b) The Southern Sudan Assembly adopted the Southern Sudan Constitution;

(c) The Ministry of Justice issued the certificate of compatibility with National Constitution;

(d) The First Vice President and President of the Government of Southern Sudan signed the Southern Sudan Constitution.

State level

Appointment of Governors in the North and South:

Governors for both Northern and Southern States were duly appointed.

Legislative Assemblies for States in the North and South:

Legislative Assemblies for the States in both North and South have been formed.

Model Constitution:

The National Constitutional Review Commission prepared a model constitution to guide the states in promulgating their own constitutions.

State Constitutions:

(a) North

All Northern states have adopted their constitutions and their Governors have signed them.

(b) South

1. All Legislative Assemblies in southern states passed the draft of their constitutions, which have been sent, through the Government of Southern Sudan, to the National Ministry of Justice for compatibility certificates.

2. The National Ministry of Justice issued a compatibility certificate to the constitution of the state of Eastern Equatorial; the other nine southern state constitutions were sent back to the states legislative assemblies to consider some observations regarding the compatibility of the Interim National Constitution and the southern Sudan constitution.

3. The two authorities reached an agreement in which they adopted a model constitution for the southern Sudan states.

State Governments:

(a) North

All States have formed their State Governments.

(b) South

Pending the adoption of their constitutions caretaker Governments have already been appointed for southern states.

3. Wealth-sharing Protocol

Joint National Transitional Team (JNTT):

(a) The JNTT has been established to follow up the donors assistance flow according to the pledges made at the Oslo conference to meet the needs estimated by the Joint Assessment Mission (JAM);

(b) After the formation of the GONU it was agreed to restructure the JNTT;

(c) On 5 December 2005, a Presidential Decree was issued appointing the JNTT and its executive Committee;

(d) Prepared in collaboration with the World Bank and the international community, a consortium on the Sudan was to be held in Paris on 9 March 2006;

(e) The JNTT held its regular meetings to follow up the inflow and the use of the pledged donations and to prepare for the donors consortium meetings to convene in Khartoum and Juba on 20 March 2007.

Multi-Donor Trust Funds (MDTFs):

With the participation of the two parties and the international community, two MDTFs have been established for the North and South.

National Petroleum Commission (NPC):

(a) A Presidential Decree was issued on 30 October 2005 establishing the National Petroleum Commission;

(b) On 1 November 2005 a Presidential Decree named the members of NPC;

(c) The NPC held its first meeting on 26 November 2005;

(d) The two Parties agreed on the mechanism of negotiating new oil contracts and the formation and duties of the secretariat;

(e) The rules of procedure of the Commission have been signed by the co-chairs;

(f) The Commission managed to solve the problem in block 5 and block B along the line of the CPA (the protocol on wealth-sharing), taking into consideration the recommendations of the executive committee that were established by the joint meeting of the two parties.

The Joint Committee for Monitoring and Calculation of the Oil Net Revenue:

(a) Consultations due between the Ministry of Finance (MF) and GOSS were held;

(b) Discussions were conducted on the issue and agreement on the price of the petrol barrel was reached for the purpose of the 2006 budget;

(c) Pending the establishment of the Committee, an ad hoc joint technical committee looked into the production of oil and net revenue for 2005 and January 2006 and the shares of GOS, GOSS and producing states; the report of the ad hoc committee was presented to the Presidency on 4 March 2006 by the minister of finance, state minister of finance, Southern Sudan minister of finance and the governor of the Central Bank;

(d) The Presidential Decree to establish the Committee was issued on 25 February 2006;

(e) The Committee issued its monthly reports on the share of the Government of Southern Sudan and the three producing states up to July 2007.

The Fiscal and Financial Allocation and Monitoring Commission (FFAMC):

(a) The Presidential Decree establishing the FFAMC was issued on 15 November 2005;

(b) The Presidential Decree appointing the Chairman and members of the Commission was issued on 20 November 2005;

(c) The convening of the Commission has been delayed because the appointments of some of the state ministers of finance have not been completed and the chairman of the Commission was for some time contributing to the Abuja talks;

(d) The Commission held its first meeting and its rules of procedure were approved by the Presidency;

(e) Experts have been appointed to assist the Commission;

(f) The President issued a second decree to accommodate the Darfur and East Agreements;

(g) For the purpose of 2007 budget, the Commission sent to the Presidency its proposal on the vertical allocation between the Federal Government and the Northern states.

Board of Directors of the Central Bank:

(a) Following the adoption by National Assembly of the Central Bank Act on 25 September 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states. The President of the Republic approved it on 15 October 2005;

(b) A Presidential Decree appointing two deputy governors of the Central Bank was issued in November 2005;

(c) A Presidential Decree appointing the chairperson and members of the Board of Directors was issued on 20 November 2005;

(d) The Board held two meetings and presented a report to the Presidency on the establishment of a branch of the Central Bank in the South and the issuance of the new currency.

Issuance of the new currency:

(a) Consultations started following the signing of the Peace Agreement within a joint committee of the Central Bank and SPLM before the formation of GOSS;

(b) It was agreed to print a new currency;

(c) The design of the new currency and budget were agreed (it was presented as part of JAM);

(d) It was agreed that the new currency would be called the pound and that each pound would be equivalent to one hundred dinars in the existing currency;

(e) As donors are largely behind fulfilling their commitments, it was agreed by the Presidency to finance it from the OSA on a loan basis;

(f) On 9 January 2007 the Central Bank introduced the new currency giving priority in the replacement process to the South;

(g) The replacement process all over the Sudan will continue up to 3 August 2007 when the dinar will be declared to be no longer legal tender.

4. Resolution of the conflict in Southern Kordofan and the Blue Nile States

All above-mentioned items under the State level apply to both states;

A presidential decree established an Assessment and Evaluation Commission for each state to assess and evaluate the implementation of the Comprehensive Peace Agreement in the two States;

The State Land Commission is awaiting the formation of the National Land Commission.

Security arrangements:

Ceasefire Political Commission (CPC):

(a) A Presidential Decree was issued establishing the commission, which is comprised of the two parties and the United Nations, with observers from the Intergovernmental Authority on Development (IGAD) and the IGAD International Partner's Forum (IPF);

(b) A Presidential Decree was issued appointing its members;

(c) The Commission held its first meeting on 24 February 2006;

(d) The Commission issued its rules of procedure;

(e) The Commission received regular reports on the work of the Ceasefire Joint Military Committee (CJMC), which is composed of representatives from SAF, SPLA and UNIMUS, in 10 regular meetings;

(f) According to the CJMC report dated 20 August 2007, the status of redeployment of both SAF and SPLA is as follows:

(i) The initial state of SAF South line 1/1/1956 is 46,403:

a. SAF stated that 40,539 (including their component in the JIUs) are redeployed to north line 1/1/1956 amounting to 87.4 per cent;

b. CJMC verified that 40,539 (including SAF component in the JIUs) of SAF troops are redeployed to north line 1/1/1956 amounting to 87.4 per cent;

(ii) The initial state of SPLA north line 1/1/1956 is 59,168:

a. SPLA stated that 19,305 (including their component in the JIUs) are redeployed to south line 1/1/1956 amounting to 32.6 per cent;

b. CJMC verified that 4,081 (including SPLA component in the JIUs) of SPLA troops are redeployed to south line 1/1/1956 amounting to 6.9 per cent;

(g) The Commission supervises the work of the other armed groups collaborative committee.

The Joint Defense Board (JDB):

(a) Following the adoption by National Assembly of the Joint Integrated Units Act on 19 December 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states. The President of the Republic approved it on 20 December 2005;

(b) A Presidential Decree was issued appointing the Chairperson and members of the Board;

(c) The Council held its regular meetings;

(d) The Commander and Deputy Commander of the Joint Integrated Units had been appointed;

(e) The Board appointed its technical committee;

(f) The Board presented two progress reports to the Presidency;

(g) The Board approved the military doctrine and the joint training programme for the JIUs.

The Joint Integrated Units (JIUs):

(a) The troops of both Parties are now redeployed according to the Ceasefire Agreement in most of their gathering locations, including Khartoum and Juba, as a prelude to the formation and merger of the Joint Integrated Units (JIUs) after the adoption of the Establishment Act has been issued;

(b) The headquarters of SAF in Juba, Waw and Malakal have been shifted to the command of the JIUs;

(c) According to the CJMC report dated 20 August 2007, the status of deployment of the JIUs is as follows:

(i) The presently deployed troops amount to 80.7 per cent of the total target;

(ii) The status of deployment of both SPLA and SAF is as follows:

a. SPLA deployed 77.7 per cent of their target troops in the JIUs

b. SAF deployed 82.5 per cent of their target troops in the JIUs.

Other Armed Groups Collaborative Committee (OAGCC):

(a) Established as an ad hoc committee by the two Parties after signing the CPA and reconstituted by the CPC in 2006;

(b) Includes an observer from UNIMUS;

(c) Held six (6) meetings, recorded and observed with the UNIMUS the alignment of the OAGs with the forces of the two parties and the realignment and incorporation in the forces;

(d) Continuing to tackle the issue of the remaining forces from some OAGs;

(e) Co-coordinating with the DDR Commission to organize the reintegration programme.

National Council for De-mining:

(a) Two Presidential Decrees, one establishing the Council and the other appointing its Chairperson and members, were issued;

(b) The Council held its first meeting on 7 March 2006;

(c) The Council endorsed the framework of the national strategy on demining.

National Council for DDR:

(a) Prior to the establishment of the National, North and South DDR commissions, ad hoc committees had been formed and were functioning since the pre-interim period;

(b) The Presidential Decree establishing the National DDR Council was issued on 15 February 2006;

(c) Northern and Southern Sudan commissions for DDR have been established.

Secondly:

5. Parts of the Comprehensive Peace Agreement (under implementation — unimplemented yet)

1. **Abyei Protocol**

The leadership meeting of the two parties placed four (4) options for a final solution of the disagreement on the border of Abyei area (1905) before the Presidency, which, in its turn, passed it to the joint political committee for consideration and recommendation. The options are: (a) a political solution; (b) consideration by the Constitutional Court; (c) arbitration; or (d) inviting the experts to defend their report concerning the borders of the area.

2. **Information campaign**

3. Support for comprehensive and intensive efforts to activate the information campaign in all languages to popularize the CPA, foster the national unity, reconciliation and mutual understanding (The two parties at all levels of government).

4. **Social healing process**

Support for effective political and financial backup to the national reconciliation and social healing process (The two parties at all levels of government).

Thirdly:

6. The political partnership between NCP and SPLM

The two parties met from 27 to 29 May 2006 at the Friendship Hall with the intention of following up and reviewing the implementation of the CPA as well as strengthening and enhancing the political partnership between them.

The two parties were ensured of the ongoing implementation process while recognizing the substantive and circumstantial reasons that led to the delay in implementing some of its provisions. To this end the two parties jointly arrived at specific recommendations.

Concerning the political partnership, the two parties presented a joint paper on the concept of the partnership itself, its horizons, its dimensions and tools of implementation. They subsequently agreed on a combined mechanism that will contribute even more to spur the implementation process and enhance the political partnership, which includes:

1. Joint annual meetings for the Leadership Bureau of the NCP and the Political Bureau of SPLM.

2. Quarterly meetings of a joint leadership committee (1+8) of each party.

3. A monthly meeting of a joint political follow-up committee, which can also establish technical and other specialized committees as needed.

4. The joint political follow-up committee held several meetings at which it established subsidiary committees (economic, political, security). These have already started their assignment.

5. The joint leadership committee (1+8) held a series of meetings from 27 to 30 March 2007 and from 27 to 30 April 2007. The most prevailing conclusions it reached were as follows:

(a) The agreement on provisional bases, on the establishment of an interim administration for Abyei area, and for a limited period, until a final agreement over the borders of the Abyei area (1905) has been reached. The intention is to avoid subjecting the people of the region to unnecessary hardships due to the absence of functional administration, services and rehabilitation programmes. The joint political follow-up committee has been instructed to deliberate on possible executive mechanisms which can run to the interim administration;

(b) The establishment of a joint executive committee chaired by the Vice President and Vice President of the President of the GOSS to look into the problems connected with the performance of the national institutions in South Sudan and relations connecting the national level and South Sudan level and the Southern states, and also other matters already referred to the committee, including consideration of the problem of the two new companies (White Nile and ASCOM) in the already granted block B and 5B before the Peace Agreement to the two groups lead by Total and Petronas respectively;

(c) Establishment of a committee for information and media coordination.

6. No final agreement has yet been reached within the political follow-up committee on the executive mechanisms for the interim administration of the Abyei area.

7. An agreement on a handful of decisions and recommendations has been reached in the executive committee within the framework of the power schedules tables embodied in the transitional national constitution specifying the competences of the national level and South Sudan level and the States. The immediate implementation of these recommendations has already started through the convening of several meetings in Khartoum and Juba between the national Government institutions and the institutions of the GOSS and its other concerned circles.

8. The joint executive committee formed an ad hoc committee to look into the problem of the new companies (White Nile and ASCOM). The committee submitted a joint report to the executive committee in order to submit it to the leadership committee for approval as a prelude for a final decision by the concerned circle, which is, in this case and according to the CPA, the National Petroleum Commission.

9. Coordination meetings between the National information institutions and the concerned information institutions in the South have already started.

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Security Council

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Letter dated 27 August 2007 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1772 (2007), which requested me to intensify my efforts to strengthen the National Reconciliation Congress and the wider political process by working together with the African Union, the League of Arab States, the Intergovernmental Authority on Development, the European Union and the International Contact Group on Somalia. In the same resolution, the Security Council requested me to provide it with an assessment of further measures that may be required to strengthen the ability of the United Nations Political Office for Somalia (UNPOS) to fulfil its enhanced role in Somalia.

In order to enhance the ability of UNPOS to fulfil its enhanced mandate, I intend to upgrade the post of Head of that Office to the level of Under-Secretary-General. I also intend to appoint Mr. Ahmedou Ould Abdallah, who is currently my Special Representative for West Africa, as Special Representative for Somalia. Pursuant to paragraph 17 of resolution 1772 (2007), I will propose in my next report to the Security Council further measures for strengthening the capacity of UNPOS.

Furthermore, Assistant Secretary-General François Lonseny Fall, my current Special Representative for Somalia, will be reassigned as Head of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA). General Lamine Cissé, Special Representative of the Secretary-General, whose contract expires on 31 December 2007, will be temporarily reassigned as Officer-in-Charge of the Office of the Special Representative of the Secretary-General for West Africa at his current level.

I should like to take this opportunity to express my appreciation to Mr. Abdallah, Mr. Fall and Mr. Cissé for their remarkable contributions to the United Nations' peace efforts in West Africa, Somalia and the Central African Republic, respectively.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-49556 (E) 060907 060907

United Nations S/2007/523

Security Council

Distr.: General
4 September 2007

Original: English

Letter dated 31 August 2007 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 27 August 2007 (S/2007/522) concerning your intentions to upgrade the level of the Head of the United Nations Political Office for Somalia (UNPOS) to that of Under-Secretary-General and to appoint Ahmedou Ould Abdallah as your Special Representative for Somalia, to reassign François Lonseny Fall as Head of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and to temporarily reassign General Lamine Cisse as Officer-in-Charge of the United Nations Office for West Africa (UNOWA) has been brought to the attention of the members of the Security Council. They take note of the intentions and information contained in your letter.

(*Signed*) Pascal **Gayama**
President of the Security Council

07-49550 (E) 060907

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General Assembly
Sixty-first session
Agenda items 13 and 14

The situation in the Middle East

Question of Palestine

Security Council
Sixty-second year

Identical letters dated 4 September 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write with regard to the highly alarming terrorist attacks carried out against Israel over the past few days by Palestinian terrorists in the Gaza Strip.

On Monday, 3 September 2007, a Qassam rocket fired by Palestinian terrorists in the Gaza Strip landed in a courtyard between a day-care centre and an elementary school in the southern Negev town of Sderot. Twelve children, who were en route to the aforementioned school, were treated for shock. The rocket was one of seven launched from the Gaza Strip early Monday morning; the other six rockets fell in open areas around the town, and one of them caused a small fire. On the previous day, Sunday, 1 September 2007, the first day that classes resumed, two Qassam rockets landed near a school in Sderot. It is only by miraculous chance that the schools were empty at the times of the attacks and no one was injured.

I must underscore that the recent terrorist attacks were carried out to coincide with the start of the new school year. Anxiety levels have been high in Sderot the entire summer, as the constant threat of more rockets continues to terrorize the civilian population. The relentless rocket attacks and the looming threat that another is on the way have created an intolerable humanitarian situation for the people of Sderot. Speaking to reporters following yesterday's attack, Batya Katar, a mother and leader of the Sderot Parents Association, grimly described the situation: "The school year is over. We cannot hold on anymore."

Israel views these terrorist attacks with grave severity, particularly since they occurred just as the school year was getting under way. The timing and location are clear indications that Palestinian terrorists launched the Qassam rockets with the explicit intention of killing and maiming the greatest possible number of Israeli civilians.

07-49651 (E) 050907

Israel retains the right to act in self-defence, as is the right of all sovereign nations, under Article 51 of the Charter of the United Nations. Israel will continue to do all that is necessary to safeguard the lives of its citizens and ensure their right to live free from fear and terror.

I should be grateful if you would have the present letter circulated as a document of the General Assembly under agenda items 13 and 14, and of the Security Council.

(*Signed*) Daniel **Carmon**
Ambassador
Chargé d'affaires, a.i.